

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

GREEN DOT BANK and GREEN DOT  
UNLIMITED,

Defendants.

No. 4:20-cv-1934-RWS

**MEMORANDUM AND ORDER**

This matter is before me upon the request of Plaintiff Joseph Michael Devon Engel, prison registration number 1069055, for leave to commence this civil action without prepayment of the filing fee.<sup>1</sup> Engel's request will be denied, and this case will be dismissed without prejudice to the filing of a fully-paid complaint.

Engel is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.<sup>2</sup> The Prison Litigation Reform Act of 1996 provides, in relevant part:

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<sup>1</sup> Although Engel did not file a separate motion for leave to proceed *in forma pauperis*, he states in the body of his complaint that he seeks "[a]pplication to proceed in District Court without prepaying fees or cost[s]." ECF No. 1. Liberally construed, Engel can be understood to ask the Court to grant him leave to commence this action without prepayment of the required filing fee.

<sup>2</sup> On September 9, 2020, Engel began filing civil actions *in forma pauperis* in this Court. As of December 21, 2020, at least three of those civil actions were dismissed for one of the reasons enumerated in 28 U.S.C. § 1915(e). See *Engel v. Governor of Missouri, et al.*, No. 1:20-cv-217 HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America, et al.*, No. 4:20-cv-1742 MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258 SPM (E.D. Mo. Dec. 21, 2020). To date, the number of civil actions Engel has initiated in this Court totals over one hundred and thirty (130), and the complaints that have been reviewed pursuant to 28 U.S.C. § 1915(e) have been dismissed for one of the reasons enumerated therein, and/or because Engel failed to comply with court orders. In *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020), the Court cautioned Engel to avoid the practice of repeatedly filing frivolous and malicious complaints.

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Therefore, Engel may proceed *in forma pauperis* in this action only if he “is under imminent danger of serious physical injury.” *Id.*; see also *Coleman v. Tollefson*, 575 U.S. 532 (2015) (“A prior dismissal on a statutorily enumerated ground counts as a strike even if the dismissal is the subject of an appeal.”).

Engel, who identifies himself as a sovereign citizen of Alaska, brings this action pursuant to 42 U.S.C. § 1983 against Green Dot Bank and Green Dot Unlimited. Engel prepared the complaint on one sheet of notebook paper following the format of this Court’s Prisoner Civil Rights Complaint form. His allegations are stated in full as follows:

Someone stealing my card [and] using it after I reported it[.] [T]hey [d]id nothing with [b]oth cards Green Dot Unlimited and Green Dot cash back I reported it. [T]hey [d]id nothing then someone had cards sent out on my accounts that was not me.

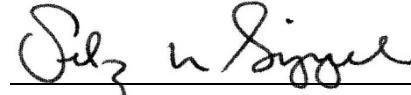
ECF No. 1. For relief, he seeks “[a]ll [his] money back with cash back, and rewards, plus 100 Trillion Dollars plus Stocks and Bonds with this Bank and Wal-Mart.”

Engel’s allegations do not establish that he is under imminent danger of serious physical injury. As a result, he may not proceed *in forma pauperis* in this action. I will therefore deny his request and will dismiss this case without prejudice to the filing of a fully-paid complaint.

Accordingly,

**IT IS HEREBY ORDERED** that Engel may not proceed *in forma pauperis* in this action.

**IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice to the filing of a fully-paid complaint. A separate order of dismissal will be entered herewith.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2021.